

## REMARKS

This is in response to the Communication mailed October 10, 2007, in the above case, in which a specific election of species was required.

In this response, the applicant is returning to the originally presented claims in order to obviate any potential confusion regarding the restriction requirement. Thus, newly submitted claims 93-114 correspond identically<sup>1</sup> to (and are in the same order as) originally presented claims 1-22, *except that* "or amphipathic" has been removed from new claim 93 (previously claim 1), consistent with applicant's response to the restriction requirement as discussed below.

### A. Response to restriction.

In response to the requirement for restriction set forth in paragraph 2 of the September 19, 2002 official action, applicants hereby elect the claims of **Group 1** (original claims 1-22; currently presented as claims 93-114). The claims of **Groups 2-75** (claims 23-38) are cancelled herein or cancelled previously, without prejudice to the filing of a divisional application thereon.<sup>2</sup> The portion of **Group 2** (amphipathic compound to be delivered) previously combined within the claims of Group 1, is also cancelled herein (as noted above), without prejudice to the filing of a divisional application thereon.

Reconsideration of the requirement for restriction between **Groups 1 and 2** is respectfully requested. These groups differ in that Group 1 refers to a liphophilic compound to be delivered while group 2 refers to an amphipathic compound to be delivered. It is respectfully submitted that a search of these groups will overlap with one another such that the two groups should be examined together. Hence, reconsideration of the requirement for restriction between groups 1 and 2 is respectfully requested.

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<sup>1</sup> Including some original typographical errors that will be corrected in applicant's next response.

<sup>2</sup> Applicant's previous mention of Group 22 was intended as a response to the election requirement. This is dealt with separately herein and Group 1 now elected to avoid confusion.

**B. Responses to requirements for election.**

In response to the requirement for an election of species of **heterologous moiety** set forth in paragraph 5 of the Official Action, applicants hereby elect **antibody** as the heterologous moiety (original claims 4-6; now presented as claims 96-98).

In response to the requirement for an election of species of **truncated ApoB protein** set forth in paragraph 6 of the Official Action, applicants hereby elect "at least ApoB 19.5" (original claim 10; now presented as claim 102) and more particularly **ApoB 19.5 per se**.

In response to the requirement for an election of species of **polar lipid** set forth in paragraph 7 of the official action, applicants hereby elect **phosphatidylcholine**, singly or alone (original claim 14, now presented as claim 106).

In response to the requirement for an election of species of **neutral lipid** set forth in paragraph 8 of the official action, applicants hereby elect **triglyceride**, singly or alone (original claim 15; now presented as claim 107).

In response to the requirement for an election of species of **particles** set forth in paragraph 9 of the Official action, applicants hereby elect **small emulsion particle** (original claim 20; now presented as claim 112).

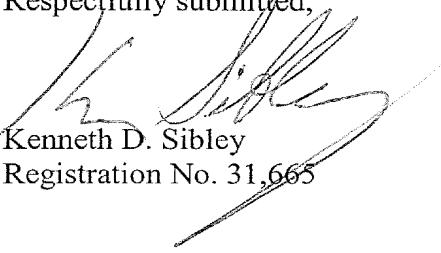
It is believed that the requirement for an election of species set forth in paragraph 10 of the Official Action is now moot.

It is noted that no requirement for an election of species of compound to be delivered is made. If upon further analysis the USPTO believes an election of such compound would be helpful, applicants hereby elect **paclitaxel** (original claim 16; now presented as claim 108).

These elections are made without traverse on the understanding that, upon the finding of an allowable species, examination will continue with the non-elected species until all species encompassed by the election requirement are examined or a non-allowable species is found, as set forth in 37 CFR 1.141.

It is respectfully submitted that this application is in condition for substantive examination, which action is respectfully requested.

Respectfully submitted,

  
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